

REMARKS**Overview**

Claims 1-12 are pending in the present application. Claim 1 has been amended. Claims 7-12 are new. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Claim Objections

Claim 1 has been objected to because it includes the term "ratio" on line 16. This term has been deleted and replaced with --radio--. Therefore, it is respectfully submitted that this objection has been remedied.

Issues Under 35 U.S.C. § 102

Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,418,326 to Heinonen et al. Heinonen discloses a method for using a mobile radio communications unit to effect payment. Heinonen discloses using a second transceiver for data transfer, such as an infrared transceiver or other type of transceiver. It is important to note that Heinonen only contemplates that this second transceiver will be used for very short distances to communicate the data between the mobile radio communication unit or mobile station and a cash register, or between two different mobile stations as shown in Figure 7 (col. 5, lines 42-47). The infrared link of Heinonen would only be suitable for these short range direct line of sight applications. As the infrared is the preferred embodiment, it is clear that Heinonen is not directed towards providing for a longer range wireless data communication service. Claim 1 has been amended to add the limitation of "wherein the second communication channel provides for

receipt of wireless data to provide wireless web access." It is respectfully submitted that this limitation makes clear that the type of wireless data communication required by claim 1. Heinonen does not disclose providing wireless web access. Instead, Heinonen discloses short range communication between a mobile radio communication unit and a cash register. Thus, this rejection to claim 1 must be withdrawn.

Issues Under 35 U.S.C. § 103

Claims 2-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,896,375 to Dent et al in view of U. S. Patent No. 6,516,201 to Kanbara et al. Dent discloses a radio communication system for carrying data, voice, or data and voice traffic simultaneously. The Examiner recognizes that Dent is deficient and that it does not provide disclosure concerning charging for the voice communication service and charging for the data communication service. Also, Dent is deficient in that it does not disclose a handheld personal communications device.

It is further observed that not only does Dent not disclose charging for a voice communication service and charging for a data communication service, Dent teaches away from such a methodology because Figure 10 of Dent discloses a voice-data packet with a single header and both a voice field and a data field. Moreover, Dent discloses no mechanism for tracking how much of a packet is for voice or how much of a packet is for data or how many voice packets or data packets have been transmitted.

The Examiner relies upon Kanbara to disclose charging for a voice communication and a data communication separately and then combines Kanbara with Dent. This combination of references is inappropriate because in Kanbara the voice communication and the data

communication are not communicated simultaneously. In particular, in Kanbara, a selection has to be made between data and voice so that the appropriate MIN is selected. Thus, by using a separate MIN selection for data communications then for voice communications, different charges can apply. Kanbara, does not, however, disclose simultaneous voice and data communications. In fact, Kanbara would exclude simultaneous communications because separate MINs are needed for each type of communication. Thus, to combine these references would alter the principle of operation of both references. The system of Dent is not appropriate to use with MINs because it provides for voice and data fields within the same packet and does not otherwise provide any teaching regarding how one would track voice charges relative to data charges. The system of Kanbara cannot function without MINs. Therefore, these references cannot be combined in the manner suggested by the Examiner and this rejection must be withdrawn.

As claims 3-6 depend from claim 2, these rejections should also be withdrawn.

New Claims

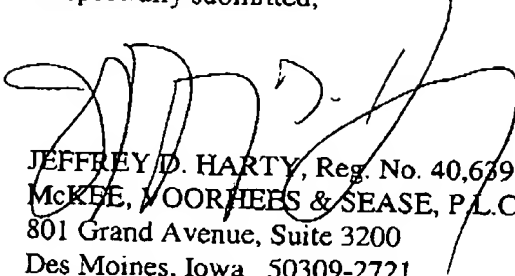
Claims 7-12 are new and are clearly supported by the specification and/or drawings without introducing new matter.

Conclusion

Please charge Deposit Account No. 26-0084 the amount of \$100.00 for one additional independent claim over 3. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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